

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JAMES STILE,

Petitioner,

v.

9:20-CV-0368  
(GTS/ATB)

THE N.D.N.Y. PROBATION,

Respondent.

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APPEARANCES:

OF COUNSEL:

JAMES STILE

Petitioner, *Pro Se*  
133 Maple Avenue  
Selkirk, New York 12158

HON. GRANT C. JAQUITH  
U.S. Attorney for the Northern District of New York  
Counsel for Respondent  
445 Broadway, Room 218  
James T. Foley Courthouse  
Albany, New York 12207-2924

JOHN D. HOGGAN, JR., ESQ.  
Assistant U.S. Attorney

GLENN T. SUDDABY, Chief United States District Judge

**DECISION and ORDER**

Currently before the Court, in this *pro se habeas corpus* action filed by James Stile (“Petitioner”) against The Northern District of New York Probation (“Respondent”) pursuant to 28 U.S.C. § 2241, are (1) Respondent’s motion to dismiss for lack of subject-matter jurisdiction based on mootness (Dkt. No. 8) and (2) United States Magistrate Judge Andrew T. Baxter’s Report-Recommendation recommending Respondent’s motion be granted (Dkt. No. 12). Neither party has filed an Objection to the Report-Recommendation, and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Chief U.S. Magistrate Judge Andrew T. Baxter’s thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.<sup>1</sup> Magistrate Judge Baxter employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, Respondent’s motion to dismiss is granted, and Petitioner’s Petition is dismissed without prejudice as moot.

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Baxter’s Report-Recommendation (Dkt. No. 12) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Respondent’s motion to dismiss (Dkt. No. 8) is **GRANTED**; and it is further

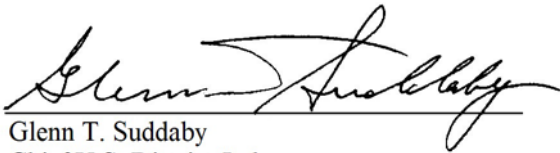
**ORDERED** that Petitioner’s Petition (Dkt. No. 1 ) is **DENIED** and **DISMISSED** without prejudice as moot.<sup>2</sup>

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<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a “clear error” review, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) (“I am permitted to adopt those sections of [a magistrate judge’s] report to which no specific objection is made, so long as those sections are not facially erroneous.”) (internal quotation marks omitted).

<sup>2</sup> The Court notes that it is not ruling on whether to deny a Certificate of Appealability (“COA”) in this instance because such a certificate is not required in the appeal of a denial pursuant to 28 U.S.C. § 2241. *Drax v. Reno*, 338 F.3d 98, 106 n.12 (2d Cir. 2003); *Roukis v. United States Army*, No. 10-CV-2219, 2014 WL 6238416, at\*7 (S.D.N.Y. Nov. 14, 2014) (citing *Drax, supra.*). See 28 U.S.C. § 2253(c)(1) (listing appeals which require a COA). Cf. *Cespedes v. United States*, No. 01-CV-2249, 2001 WL 811929, at \*1, (E.D.N.Y. June 11, 2001) (noting that the Second Circuit granted a COA in the appeal of a prior order in which a Section 2241 action was treated as a motion under 28 U.S.C. § 2255, in which a COA is statutorily required).

Dated: September 8, 2020  
Syracuse, New York



Glenn T. Suddaby  
Chief U.S. District Judge